

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10539 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MALABHAI PRAMABHAI NINAMA

Versus

STATE OF GUJARAT

Appearance:

MR UM SHASTRI for Petitioners
MR DP JOSHI AGP as instructed by Mr. PS Patel
for M/s. H.M.Bhagat & Co., Govt. Solicitors for the
State.

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 14/12/98

ORAL JUDGEMENT

Rule. Service of rule is waived by Mr. Mukesh
A. Patel, learned Assistant Government Pleader as
instructed by Mr. P.S.Patel, learned advocate appearing
for M/s. H.M.Bhagat & Co., Government Solicitors for the
State. Heard. The question involved in this petition is
with regard to possession of land in question by the
petitioners/petitioner for many years. The petitioner/s
have annexed copy of the order passed on 7th October,
1998 (Coram:C.K.Buch, J.) in special civil application

No. 5399 of 1997. The learned Assistant Government Pleader has also placed reliance upon the order dated 18th December, 1996 passed by the Division Bench of this Court (Coram:C.K.Thakker & M.S.Shah,JJ.) in Special Civil Application No. 6223 of 1996 with Special Civil Application No. 6225 of 1996 between Narsi Chidia Vasava versus State of Gujarat. It has also been submitted that there is a committee consisting of Collector and Deputy Conservator of Forests who will be looking into the matter as and when appropriate applications/representation is made in respect of the claim of the petitioner/s. Hence, in the facts of the case, following directions are issued :

The petitioner/s will make representation/applications to the concerned Collector for the purpose of granting benefit in accordance with the policy of the State Government. As and when such representation/application is made, same shall be decided in accordance with law after hearing the petitioner/s. The petitioner/s will make necessary representation/application as aforesaid within two weeks from today and the concerned authority will consider and decide the same as aforesaid within a period of two months from the date of receipt of such representation/application. Status quo with regard to possession will be maintained till the decision is taken and communicated to the petitioner/s. Subject to this, rule is discharged with no order as to cost.

14.12.1998. (M.S.Parikh,J.)

Vyas